

## MINUTES OF BENTON COUNTY QUORUM COURT

**August 23, 2012**

A regular meeting of the Benton County Quorum Court was held on Thursday, August 23, 2012 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Robert D. Clinard called the meeting to order.

County Clerk Tena O'Brien called roll as follows:

10 JPs Present: King, J. Harrison, Allen, Hawkins, Jones, Douglas,  
Blaty, Curry, Carr, Moore

3 Absent: Winscott, K. Harrison, Sandlin

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Pastor Jeff Odom of Word of Life Fellowship Church led the prayer.

### **CHANGES TO THE AGENDA:**

None

### **MINUTES:**

JP Douglas made motion to approve the minutes of the July 26, 2012 Quorum Court as distributed, seconded by JP Hawkins.

Motion passed by unanimous show of hands vote.

### **ELECTED OFFICIALS REPORTS:**

Assessor Bear Chaney stated that the Justices would be receiving a copy of the Assessor's Abstract, and that property values overall, have stayed close to the same as last year's.

### **COUNTY JUDGES' REPORT:**

County Judge Bob Clinard reported that: 1) the 2013 Budget process has begun; 2) they are continuing to work through a permanent solution to the Emergency Medical Services (EMS) issue in Benton County; 3) several items of county property have been disposed of; 4) bid documents for replacement of the Administration Building roof top A/C unit are complete, they will advertise, and bids will be accepted on September 11; 5) a special Finance Committee meeting will be held at 5:30 p.m. on September 11, prior to the Committee of 13 Meeting, to discuss the bids; 5) he is continuing to explore possibilities for a new and modern court facility.

### **COMMITTEE REPORTS:**

JP Allen reported that the regular Finance Committee will meet on September 4, 2012 and that a Special Finance Committee meeting will be held at 5:30 p.m. prior to the September 11, 2012 Committee of Thirteen meeting at 6:00 p.m.

JP Carr reported that the Public Safety Committee met on August 22, 2012, and that it was a long and interesting meeting. He stated several ideas on how to deal with the Emergency Medical Services (EMS) in the county were discussed.

### **PUBLIC COMMENTS:**

Dorothy Hesse of Gravette expressed concern regarding the Nighthawk Custom Training Academy gun range near Centerton, and the overturning of the Planning Board's decision by the appeal board.

Kathy Schlegel, Centerton, Arkansas expressed concern regarding the Nighthawk Custom Training Academy gun range.

JP J. Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Carr.

There being no discussion, a roll call vote was recorded as follows:

10 yeas:	King, J. Harrison, Allen, Hawkins, Jones, Douglas, Blaty, Curry, Carr, Moore
3 absent:	Winscott, K. Harrison, Sandlin

Motion passed.

### **OLD BUSINESS**

(A) Second Reading of Proposed Ordinance Authorizing the Exchange of County Property

County Attorney George Spence read the proposed ordinance by title only.

JP Carr made motion to adopt, seconded by JP Douglas.

JP Carr made motion to suspend the rules and place the proposed ordinance for the third and final reading, seconded by JP Douglas.

County Attorney George Spence read the proposed ordinance by title only.

There being no discussion, a roll call vote was recorded as follows:

10 yeas:	King, J. Harrison, Allen, Hawkins, Jones, Douglas, Blaty, Curry, Carr, Moore
3 absent:	Winscott, K. Harrison, Sandlin

Ordinance duly adopted and assigned **No. O-2012-44.**

**NEW BUSINESS**

- (A) Proposed Resolution Confirming the Re-appointment of Craig Hull to the Benton County Rural Development Authority, Position #5

County Attorney George Spence read the proposed resolution by title only.

JP Douglas made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

10 yeas: King, J. Harrison, Allen, Hawkins, Jones,  
Douglas, Blaty, Curry, Carr, Moore

3 absent: Winscott, K. Harrison, Sandlin

Resolution duly adopted and assigned **No. R-2012-12.**

- (B) Proposed Resolution Confirming the County Judge's Appointment of Chris N. Flynt to the Benton County Rural Development Authority, Position #4

County Attorney George Spence read the proposed resolution by title only.

JP Douglas made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

10 yeas: King, J. Harrison, Allen, Hawkins, Jones,  
Douglas, Blaty, Curry, Carr, Moore

3 absent: Winscott, K. Harrison, Sandlin

Resolution duly adopted and assigned **No. R-2012-13.**

- (C) Proposed Resolution Confirming the County Judge's Appointment of Thomas Evers to the Benton County Rural Development Authority, Position #1

County Attorney George Spence read the proposed resolution by title only.

There being no discussion, a roll call vote was recorded as follows:

10 yeas: King, J. Harrison, Allen, Hawkins, Jones,  
Douglas, Blaty, Curry, Carr, Moore

3 absent: Winscott, K. Harrison, Sandlin

Resolution duly adopted and assigned **No. R-2012-14.**

(D) Proposed Resolution Request Urging That Certified Death Investigation Training Be Made Available; Sponsor: JP Jay Harrison

County Attorney George Spence read the proposed resolution by title only.

JP J. Harrison made motion to adopt, seconded by JP Curry.

There being no discussion, a roll call vote was recorded as follows:

10 yeas: King, J. Harrison, Allen, Hawkins, Jones,  
Douglas, Blaty, Curry, Carr, Moore

3 absent: Winscott, K. Harrison, Sandlin

Resolution duly adopted and assigned **No. R-2012-15.**

JP Allen stated that he has been contacted by Sheriff Ferguson, who is concerned that the Coroner is not certified to do any kind of investigation on crime scenes and might interfere with the work of the Sheriff's Department. He stated there probably needs to be some type of action taken at the state level to clear up any ambiguity or uncertainty as to the responsibilities of Coroners and Sheriffs.

County Attorney George Spence stated that the Sheriff is concerned about the preservation of evidence at a crime scene, and that it might be appropriate for clarification of that at the state level. County Judge Bob Clinard stated that this training is for Coroners to be able to handle crime scenes, and how that training is applied and how the Coroner's and Sheriff's offices cooperate with each other needs to be discussed at the state level; this resolution is to allow the training.

(E) Proposed Resolution Request Authorizing the County Judge of Benton County To Apply for a Grant on Behalf of the NEBCO Volunteer Fire Department

County Attorney George Spence read the proposed resolution by title only.

JP Moore made motion to adopt, seconded by JP Carr.

There being no discussion, a roll call vote was recorded as follows:

10 yeas: King, J. Harrison, Allen, Hawkins, Jones,  
Douglas, Blaty, Curry, Carr, Moore

3 absent: Winscott, K. Harrison, Sandlin

Resolution duly adopted and assigned **No. R-2012-16.**

- (F) Proposed Resolution Request Expressing the Willingness of Benton County to Utilize Federal-Aid Funds – Implementation of the Fisher Ford Road Illinois River Bridge Replacement

County Attorney George Spence read the proposed resolution by title only.

JP Moore made motion to adopt, seconded by JP Carr.

JP Douglas asked if applying for and utilizing Federal Funds would increase the regulations for the implementation of the Fisher Ford Bridge replacement. County Judge Bob Clinard stated that this is just an application for Federal Grant funds, and if the county does not agree with the Federal regulations or whatever else might be attached to the grant, they do not have to accept it. JP Douglas stated that if a \$1.2 million bridge becomes a \$4 million bridge because of cumbersome regulations, it may not be wise to accept the grant. County Judge Bob Clinard stated that if it costs the county significantly more to comply with the attached regulations, all of that will be considered. JP Moore asked if the list of projects from the Northwest Arkansas Regional Planning Commission which was published in the newspaper is the official list of what will be sent to the Federal government, because Fisher Ford Bridge was not listed. Administrator of General Services Elizabeth Bowen stated that what was published was the Transportation Improvement Plan, and the Fisher Ford Bridge project is not on that list, but will be submitted to the state.

There being no further discussion, a roll call vote was recorded as follows:

10 yeas: King, J. Harrison, Allen, Hawkins, Jones,  
Douglas, Blaty, Curry, Carr, Moore

3 absent: Winscott, K. Harrison, Sandlin

Resolution duly adopted and assigned **No. R-2012-17.**

- (G) Proposed Ordinance Establishing an Electronic Warrants Transfer (Direct Deposit) System Directly Into Payees' Accounts in Financial Institutions in Payment of any Account Allowed Against the County; Sponsor: JP Dan Douglas

County Attorney George Spence read the proposed ordinance by title only.

JP Douglas made motion to adopt, seconded by JP J. Harrison.

There being no further discussion, a roll call vote was recorded as follows:

10 yeas: King, J. Harrison, Allen, Hawkins, Jones,  
Douglas, Blaty, Curry, Carr, Moore

3 absent: Winscott, K. Harrison, Sandlin

First reading passed.

Discussion was held regarding suspension of the rules to place the proposed ordinance on second and third readings. The consensus was to place the proposed ordinance on the September 27, 2012 Quorum Court agenda for separate readings.

- (H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) to Amend *Schedule 4 – Personnel and Compensation Authorization* by Changing Grades of Certain Positions, Adding One Position and Deleting One Position in Department 19, Accounting/Human Resources, Fund 010; Sponsor JP Shirley Sandlin

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

10 yeas: King, J. Harrison, Allen, Hawkins, Jones,  
Douglas, Blaty, Curry, Carr, Moore

3 absent: Winscott, K. Harrison, Sandlin

Appropriation Ordinance duly adopted and assigned **No. O-2012-45.**

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) to Amend *Schedule 4 – Personnel and Compensation Authorization* by Adding One Position and Deleting One Position in Department 31, Planning, Fund 010; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

10 yeas: King, J. Harrison, Allen, Hawkins, Jones,  
Douglas, Blaty, Curry, Carr, Moore

3 absent: Winscott, K. Harrison, Sandlin

Appropriation Ordinance duly adopted and assigned **No. O-2012-46.**

- (J) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 38, Environmental Services, Fund 010; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

County Judge Bob Clinard reported that Wal-Mart has agreed to partner with Benton County on the Fall Clean up.

There being no further discussion, a roll call vote was recorded as follows:

10 yeas: King, J. Harrison, Allen, Hawkins, Jones,  
Douglas, Blaty, Curry, Carr, Moore

3 absent: Winscott, K. Harrison, Sandlin

Appropriation Ordinance duly adopted and assigned. **No. O-2012-47.**

\*JP Douglas left the meeting.

- (K) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 20, Juvenile Probation, Fund 472; Sponsor: Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

9 yeas: King, J. Harrison, Allen, Hawkins, Jones,  
Blaty, Curry, Carr, Moore

4 absent: Winscott, K. Harrison, Sandlin, Douglas

Appropriation Ordinance duly adopted and assigned **No. O-2012-48.**

- (L) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Authorizing a Transfer of Funds between Categories and Line Items and Authorizing Expenditures

In Department 44, Road Department, Fund 020; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

9 yeas: King, J. Harrison, Allen, Hawkins, Jones,  
Blaty, Curry, Carr, Moore

4 absent: Winscott, K. Harrison, Sandlin, Douglas

Appropriation Ordinance duly adopted and assigned **No. O-2012-49.**

- (M) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) to Appropriate Additional Funds and Authorize Additional Expenditures in Department 18, Quorum Court, Fund 010; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

9 yeas: King, J. Harrison, Allen, Hawkins, Jones,  
Blaty, Curry, Carr, Moore

4 absent: Winscott, K. Harrison, Sandlin, Douglas

Appropriation Ordinance duly adopted and assigned **No. O-2012-50.**

- (N) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) to Appropriate Additional Funds and Authorize Additional Expenditures in Department 21, Prosecuting Attorney, Fund 440; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

County Judge Bob Clinard stated these additional costs that are occurring, will be offset by unexpended appropriations in other county projects.



There being no discussion, a roll call vote was recorded as follows:

9 yeas: King, J. Harrison, Allen, Hawkins, Jones,  
Blaty, Curry, Carr, Moore

4 absent: Winscott, K. Harrison, Sandlin, Douglas

Appropriation Ordinance duly adopted and assigned **No. O-2012-51**.

**OTHER BUSINESS:**

None

**ANNOUNCEMENTS:**

County Judge Bob Clinard stated that he is open to suggestions on where to hold the third-quarter Town Hall Meeting, and they are thinking about the Lost Bridge area.

**ADJOURNMENT:**

There being no further business to come before the court, upon motion and second the meeting adjourned at 7:00 p.m.

Respectfully submitted,

Tena O'Brien  
County Clerk

Prepared by: Janet Reaves